

## **DECLARATION AND POWER OF ATTORNEY**

Attorney's Docket No. 08286.105009

**In re Application of: John J. Kennedy**

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe I am a original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **System and Method for Increasing Upstream Communication Efficiency in an Optical Network**, the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I do not know and do not believe that the same was ever known or used by others in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to the date of this application. I further state that the invention was not in public use or on sale in the United States of America more than one year prior to the date of this application. *I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.*

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of the foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate disclosing subject matter in common with the above-identified specification and having a filing date before that of the application on which priority is claimed:

Application No.      Country      Filing Date      Priority Claimed Under 35 USC §119 (a)-(d)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

60/315,555      August 28, 2002      \_\_\_\_\_      \_\_\_\_\_  
(Application No.)      (Filing Date)      (Application No.)      (Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter disclosed and claimed in the present application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No. Filing Date Status: patented, pending, abandoned

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

**POWER OF ATTORNEY:** The following are hereby appointed to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Sherry M. Knowles-33,052; W. Scott Petty-35,645; Clark G. Sullivan-36,942; Holmes J. Hawkins-38,913; Steven P. Wigmore-40,447; Charles E. Peeler-45,004; Joseph M. Bennett-Paris-47,226; A. Shane Nichols-43,836; William O. Isaacs II-44,165; Josephine Young-48,308; Robert T. Neufeld-48,394; Stephanie D. Adams-47,378; Kristin Chrudimsky-P51,561.

Send correspondence to: King & Spalding, Customer No. 20786  
191 Peachtree Street, N.E., 45<sup>th</sup> Floor  
Atlanta, Georgia 30303 Direct telephone calls at (404) 572-4600  
Steven P. Wigmore

Full name of sole or first inventor: John J. Kenny	Citizenship: U.S.
Inventor's signature 	Date: Aug 27, 2002
Residence and Post Office Address: 5370 Harbury Lane, Suwanee, Georgia 30024	